

REMARKS/ARGUMENTS

Claims 1-26 are pending in the present application. Claims 1, 16, 24 and 26 were amended. No claims have been added and no claims have been canceled. No new matter has been added by any of the amendments. Applicants have carefully considered the cited art and the Examiner's comments and believe the claims patentably distinguish over the cited art in their present form. Reconsideration of the rejection is, accordingly, respectfully requested in view of the above amendments and the following comments.

I. 35 U.S.C. § 112, Second Paragraph

The Examiner has rejected claims 1, 16, 24 and 26 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter, which Applicants regard as the invention. The Examiner contends that the claims are indefinite because the phrase "in response to a selection of a preferred taxonomy" in claim 1, and corresponding language in claims 16, 24 and 26, is unclear.

By the present Amendment, claims 1, 16, 24 and 26 have been amended as suggested by the Examiner to clarify that a preferred taxonomy is stored as a replacement of at least one of the reference taxonomy and the application taxonomy in response to a selection of a preferred taxonomy "based on a result of the comparison". As a result of this clarifying language, claims 1, 16, 24 and 26 are clear and definite throughout and fully satisfy the requirements of 35 U.S.C. § 112, second paragraph.

Therefore, the rejection of claims 1, 16, 24 and 26 under 35 U.S.C. § 112, second paragraph has been overcome.

II. 35 U.S.C. § 102, Anticipation – Claims 1-26

The Examiner has rejected claims 1-26 under 35 U.S.C. § 102(e) as being anticipated by Allemang (U.S. Patent Application Publication No. 2003/0050915 A1). This rejection is respectfully traversed.

In rejecting the claims, the Examiner states:

(Claims 1, 16, 24, and 26)

Allemang discloses in figures 1-13, 16, 18, 20-31, a method for managing data organization for computer programs, the method including the steps of: generating and storing a reference taxonomy, the reference taxonomy comprising information defining a data organization; accessing storage associated with a computer program to obtain an application taxonomy, the application taxonomy comprising information defining the organization of stored data items of the program; comparing the reference taxonomy with the application taxonomy to identify matching and non-matching features of the compared taxonomies; and in response to a selection of a preferred taxonomy, storing the

preferred taxonomy as a replacement of at least one of the reference taxonomy and the application taxonomy.

Office Action dated June 14, 2006, page 3.

Claim 1 as amended herein is as follows:

1. A method for managing data organisation for computer programs, the method including the steps of:
 - generating and storing a reference taxonomy, the reference taxonomy comprising information defining a data organisation;
 - accessing storage associated with a computer program to obtain an application taxonomy, the application taxonomy comprising information defining the organisation of stored data items of the program;
 - comparing the reference taxonomy with the application taxonomy to identify matching and non-matching features of the compared taxonomies; and
 - in response to a selection of a preferred taxonomy based on a result of the comparison, storing the preferred taxonomy as a replacement of at least one of the reference taxonomy and the application taxonomy.

A prior art reference anticipates a claimed invention under 35 U.S.C. § 102 only if every element of the claimed invention is identically shown in that single prior art reference, arranged as they are in the claims. *In re Bond*, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567 (Fed. Cir. 1990). All limitations of a claimed invention must be considered when determining patentability. *In re Lowry*, 32 F.3d 1579, 1582, 32 U.S.P.Q.2d 1031, 1034 (Fed. Cir. 1994). Anticipation focuses on whether a claim reads on the product or process a prior art reference discloses, not on what the reference broadly teaches. *Kalman v. Kimberly-Clark Corp.*, 713 F.2d 760, 218 U.S.P.Q. 781 (Fed. Cir. 1983).

Applicants respectfully submit that Allemang does not identically show every element of the claimed invention arranged as they are in the claims; and, accordingly, does not anticipate the claims. With respect to claim 1, in particular, Allemang does not teach or suggest a method for managing data organisation for computer programs that includes “generating and storing a reference taxonomy” that comprises information defining a data organization, “accessing storage associated with a computer program to obtain an application taxonomy” that comprises information defining the organisation of stored data items of the program, “comparing the reference taxonomy with the application taxonomy to identify matching and non-matching features of the compared taxonomies”, and “in response to a selection of a preferred taxonomy based on a result of the comparison, storing the preferred taxonomy as a replacement of at least one of the reference taxonomy and the application taxonomy”.

Allemang is directed to a mechanism for managing graphs such as graphs which are models of catalogs of items, such as clothing items. In Allemang, a constellation of factored models is created from

one or more source models. The constellation includes a composite model in which common aspects of the source models are combined, and a variability model which contains the differences between the source models (see page 3, paragraph [0032] of Allemang). In Allemang, the composite model is formed by taking analogous input trees from the source models and traversing the trees to identify nodes in the trees that are analogous at each level of the trees. Representations of the correlated nodes are then displayed to a user who identifies sets of correlated nodes that are analogous (see, for example, the Abstract in Allemang).

In rejecting claim 1, the Examiner refers generally to Figures 1-13, 16, 18 and 20-31 of Allemang as disclosing the subject matter of the claim. Applicants have examined the referred to figures and their corresponding, descriptions in Allemang, but are unable to identify a disclosure of the method specifically recited in claim 1. Claim 1, accordingly, patentably distinguishes over Allemang in its present form.

As indicated above, in order for a reference to anticipate a claim under 35 U.S.C. § 102, the reference must identically show every element of the claimed invention arranged as they are in the claim. Applicants respectfully submit that the Examiner has not identified with any particularity where the various steps of claim 1, arranged as they are in claim 1, are allegedly disclosed in Allemang, and has not shown how the claim is anticipated by the reference. As a result, Applicants are not able to more precisely respond to the rejection.

If the Examiner continues to believe that Allemang anticipates claim 1, it is respectfully requested that the Examiner specifically identify where the various steps of the claim are alleged to be disclosed in the reference so that Applicants may more fully respond to the rejection.

For at least the above reasons, claim 1 is not anticipated by Allemang and patentably distinguishes over Allemang in its present form.

Independent claims 16, 24 and 26 are also not anticipated by Allemang for similar reasons as discussed above with respect to claim 1.

Claims 2-15, 17-23 and 25 depend from and further restrict one of independent claims 1, 16, 24 and 26, and are not anticipated by Allemang, at least by virtue of their dependency. In addition, these claims recite additional features that are not disclosed in Allemang. Again, if the Examiner continues to believe that the subject matter of the dependent claims is disclosed in the reference, it is respectfully requested that the Examiner identify where the subject matter is allegedly disclosed.

Therefore, the rejection of claims 1-26 under 35 U.S.C. § 102 has been overcome.

III. 35 U.S.C. § 102, Anticipation – Claims 1, 16, 24 and 26

The Examiner has rejected claims 1, 16, 24 and 26 under 35 U.S.C. § 102(e) as being anticipated by Tang (U.S. Patent No. 6,636,849 B1). This rejection is respectfully traversed.

Tang is directed to a mechanism for enabling more efficient searching of data. The mechanism creates a multigrid tree taxonomy in metric space in order to provide more relevant “approximate” search results to reduce search complexity (see for example, column 2, lines 57-62 and claim 1 of Tang).

In rejecting the claims, the Examiner refers generally to Figures 1-2, 5-7 and 11 of Tang, but does not identify any specific recitations in the reference that allegedly disclose the subject matter of claims 1, 16, 24 and 26. Applicants have not identified a disclosure of the subject matter of claims 1, 16, 24 and 26 in Tang, and, accordingly, submit that Tang does not anticipate the claims and that the claims patentably distinguish over Tang in their present form. If the Examiner continues to believe that Tang anticipates claim 1, 16, 24 and 26, it is respectfully requested that the Examiner specifically identify where the subject matter of the claims is allegedly disclosed in Tang so that Applicants may more fully respond to the rejection.

Therefore, the rejection of claims 1, 16, 24 and 26 under 35 U.S.C. § 102 as anticipated by Tang has been overcome.

IV. 35 U.S.C. § 102, Anticipation

The Examiner has rejected claims 1, 16, 24 and 26 under 35 U.S.C. § 102(e) as being anticipated by Kasravi (U.S. Patent Application Publication No. 2004/0172612 A1). This rejection is respectfully traversed.

Kasaravi relates to a mechanism for accessing existing software that involves maintaining a library of software profiles, creating a new software profile to be searched against the library, and searching the library to locate profiles similar to the new profile to identify existing software associated with the new profile (see, for example, the Abstract in Kasravi).

In rejecting the claims, the Examiner refers only to Figures 1-4 of Kasravi, which comprise all the figures in the reference. Applicants have not identified a disclosure of the subject matter of claims 1, 16, 24 and 26 in Kasravi, and, accordingly, submit that Kasravi does not anticipate the claims and that the claims patentably distinguish over Kasravi in their present form. Again, if the Examiner continues to believe that Kasravi anticipates claim 1, 16, 24 and 26, it is respectfully requested that the Examiner specifically identify where the subject matter of the claims is allegedly disclosed in Kasravi so that Applicants may more fully respond to the rejection.

Therefore, the rejection of claims 1, 16, 24 and 26 under 35 U.S.C. § 102 as anticipated by Kasravi has been overcome.

V. Conclusion

It is respectfully urged that claims 1-26 are patentable over the cited art in their present form and that this application is now in condition for allowance.

The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

DATE: September 13, 2006

Respectfully submitted,

/Gerald H. Glanzman/
Gerald H. Glanzman
Reg. No. 25,035
Yee & Associates, P.C.
P.O. Box 802333
Dallas, TX 75380
(972) 385-8777
Attorney for Applicants